

REMARKS

Upon entry of this amendment, claims 14-17 are pending in the application. By this paper, claims 1-13 have been cancelled. Entry of this amendment is respectfully requested in order to place the application in condition for allowance or to narrow the issues for appeal.

Allowable subject matter

According to the final office action, claims 14-17 are in condition for allowance. Confirmation of this determination and allowance of the application are respectfully requested.

Claims Rejection

Claims 1-5 and 7-13 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent number 6,078,866 to Buck ("Buck") in view of U.S. patent number 6,377,961 to Ryu ("Ryu"). By this paper, claims 1-13 have been cancelled, obviating this rejection.

Related application and claim to priority

On even date herewith, a Petition For An Unintentionally Delayed Claim For Priority Under 37 C.F.R. § 1.78 has been filed in connection with the present application requesting addition of a claim to priority to U.S. application number 09/872,737, filed June 1, 2001. By this paper, the specification is proposed to be amended at page 1, line 5, to add the claim to the priority of application serial number 09/872,737.

Application serial number 09/872,737 was filed June 1, 2001. That related application disclosed substantially the same subject matter as the present application. Also, that related application included claims 1-13 substantially matching claims 1-13 of the present application. The pending claims of the related application have now been finally rejected.


After review of the two applications and discovery of the overlapping claims, Applicant has submitted this Amendment cancelling the claims which overlap between the present application and application serial number 09/872,737. If the allowability of claims 14-17 of the present application is maintained, applicant will pursue the grant in this application of claims 14-17, which are unique to this application. Application serial number 09/872,737 will be the subject of a request for continued examination under 37 C.F.R. § 1.114 so that prosecution of claims 1-13, or other disclosed but unclaimed subject matter, may be pursued in that application.

Applicant has sought to completely disclose to the examiner the circumstances of the present application, application serial number 09/872,737 and the overlapping claims. Applicant invites the examiner to telephone the undersigned attorney for any additional information which may be useful to the Office in evaluating patentability of this application or application serial number 09/872,737, or to require a written submission pertaining to these subjects.

Upon review and grant of the Applicant's Petition under 37 C.F.R. § 1.78, entry of the present amendment to the Specification, adding the proper claim to priority to the first sentence of the application, is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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